

## **Assembly Bill No. 1278**

### **CHAPTER 258**

An act to add Section 1670.7 to the Civil Code, and to add Section 784.8 to the Penal Code, relating to human trafficking.

[Approved by Governor August 4, 2008. Filed with  
Secretary of State August 4, 2008.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1278, Lieber. Crimes.

Existing law provides that certain contract provisions are void as against public policy.

This bill would provide that any provision of a contract that purports to allow a deduction from a person's wages for the cost of emigrating and transporting that person to the United States would be void as against public policy.

Existing law provides jurisdiction over certain crimes in more than one territory if specified facts are shown.

This bill would require a local prosecutor to present evidence to the court, and would require the court to hold a hearing to consider, whether a matter involving human trafficking in multiple jurisdictions should proceed in the county of filing, or whether one or more counts should be severed, as specified. Because this bill would impose additional duties on local prosecutors, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1670.7 is added to the Civil Code, to read:

1670.7. Any provision of a contract that purports to allow a deduction from a person's wages for the cost of emigrating and transporting that person to the United States is void as against public policy.

SEC. 2. Section 784.8 is added to the Penal Code, to read:

784.8. When charges alleging multiple violations of Section 236.1 that involve the same victim or victims in multiple territorial jurisdictions are filed in one county pursuant to this section, the court shall hold a hearing to consider whether the matter should proceed in the county of filing, or

whether one or more counts should be severed. The district attorney filing the complaint shall present evidence to the court that the district attorney in each county where any of the charges could have been filed has agreed that the matter should proceed in the county of filing. In determining whether all counts in the complaint should be joined in one county for prosecution, the court shall consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to, the victim or victims and witnesses.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.